



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

DONALD L. HOHNSTEIN et al.

Group No.: 2682

Serial No.: 09/658,241

Examiner: unknown

Filed: September 8, 2000

Title: REVERSE SECTORIZATION WIRELESS  
COMMUNICATION

Attorney Docket No.: 1822/USW0601PUS

\$ 5

**PETITION UNDER 37 C.F.R. § 1.47(a)  
FILING WHEN A JOINT INVENTOR  
REFUSES TO SIGN**

**RECEIVED**

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

MAR 29 2001

**OFFICE OF PETITIONS**

Sir:

Pursuant to 37 C.F.R. § 1.47(a), Applicants Charles I. Cook, Guy M. Wells, Thomas Schwengler, Patrick L. Perini and Brian L. Arend having duly executed both a Declaration and an Assignment of interest in the above-mentioned patent application to Qwest Communications International Inc., petition for acceptance of filing of the above-mentioned patent application. Joint inventors Donald L. Hohnstein and Angus O. Dougherty have refused to sign either a Declaration or an Assignment.

Following are facts pertinent to this Petition. Proof of these facts is provided by the accompanying Declaration of Facts, signed by Mark D. Chuey.

1. Each inventor was mailed a copy of the application, together with a Declaration and Assignment, on December 27, 2000.

09658241

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Attention Group Director, Group 2821, Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231 on:

March 23, 2001  
Date of Deposit

Mark D. Chuey  
Name of Person Signing

  
Signature

03/28/2001 RHM/RS1 00000116 210456

130.00 CH  
02 FC:122

2. Applicants Charles Cook, Guy Wells, Thomas Schwengler, Patrick L. Perini and Brian L. Arend signed and returned both the Declaration and Assignment.
3. Angus Dougherty was called on December 28, 2000, and asked whether or not he would sign the Declaration and Assignment. Mr. Dougherty was completely uncooperative. Mr. Dougherty indicated that he would not sign any documents and that official correspondences should occur through his lawyer.
4. Angus Dougherty was again called on March 21, 2001. At that time, he indicated his lawyer was associated with Dorsey & Whitney, L.L.P. of Denver, Colorado. Mr. Dougherty also indicated that this law firm represented his company, AirCover Network Solutions, Inc. When this firm was contacted, they denied representing Mr. Dougherty.
5. Angus Dougherty was called on March 22, 2001. When informed that he was not represented by Dorsey & Whitney, L.L.P., Mr. Dougherty indicated that all correspondences should be sent directly to him.
6. The last known address for Angus Dougherty is as follows:

Mr. Angus O. Dougherty  
1128 Ranch Place  
Westminster, CO 80234

7. Donald Hohnstein was called on December 28, 2000. In response to this call, Mr. Hohnstein indicated he would sign and return the Declaration and Assignment. Mr. Hohnstein also indicated he now worked with Angus Dougherty. He did not sign and return the papers.
8. Donald Hohnstein was again called on January 18, 2001. In response to this call, Mr. Hohnstein again indicated he would sign and return the Declaration and Assignment. He did not.
9. Donald Hohnstein was again called on February 8, 2001. In response to this call, Mr. Hohnstein once again indicated he would sign and return the Declaration and Assignment. He did not.
10. Donald Hohnstein was finally called on March 21, 2001, and a message was left. The message indicated that his non-cooperation would be reported to the U.S. Patent and Trademark Office. The call was not returned.
11. The last known address for Donald Hohnstein is as follows:

Mr. Donald L. Hohnstein  
2721 19<sup>th</sup> Street  
Greeley, CO 80634

Please charge Deposit Account No. 21-0456 in the amount of \$130 to cover the fee under 37 C.F.R. § 1.17(i). Please charge any additional fees or credit any overpayment as a result of filing this paper to Deposit Account No. 21-0456. A duplicate copy of this Petition is enclosed for that purpose.

Respectfully submitted,

**Charles I. Cook and Guy M. Wells**

By:

  
Mark D. Chuey  
Reg. No. 42,415  
Attorney/Agent for Applicant

Date: March 23, 2001

**BROOKS & KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DONALD L. HOHNSTEIN et al.

Serial No.: 09/658,241

Group Art Unit: 2682

Filed: September 8, 2000

Examiner: not known

For: REVERSE SECTORIZATION WIRELESS COMMUNICATION

Attorney Docket No.: 1822/USW0601PUS

**DECLARATION OF FACTS  
PERTAINING TO DILIGENT EFFORT  
IN OBTAINING INVENTOR SIGNATURES**

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

Sir:

**RECEIVED**  
**MAR 29 2001**  
**OFFICE OF PETITIONS**

This declaration has been prepared to show diligent effort, required under 37 C.F.R. § 1.47, in attempting to obtain signatures for Donald L. Hohnstein and Angus O. Dougherty, named inventors on the above-mentioned patent application. This declaration was prepared in response to a Notice of Missing Parts filed November 16, 2000.

The following facts are stated to the best of my recollection:

Both Mr. Hohnstein and Mr. Dougherty were employed by Qwest Communications International Inc., assignee of the invention described in the above-mentioned patent application, at the time the invention was described to me. Both left the employment of Qwest prior to the filing date of the application.

All seven inventors were mailed a copy of the application, together with a Declaration and Assignment, on December 27, 2000 (Exhibit A). The delay between receiving the Notice of Missing Parts and mailing the applications was due to obtaining home addresses, since three of the inventors (including Mr. Wells) had left Qwest. Copies of the Federal Express Airbill for packages sent to Mr Hohnstein and Mr. Dougherty are attached as Exhibits B and C, respectively. Messrs. Cook, Wells, Schwengler, Perini and Arend signed and returned the Declaration and Assignment.

Mr. Dougherty was telephoned by me on December 28, 2000 (303 507-6135). During the telephone conversation, he indicated that he would not sign either the Declaration or the Assignment. He further indicated that any official correspondences should be through



Serial No. 09/658,241

Atty. Docket No. 1822/USW0601PUS

his lawyer. I called Mr. Dougherty again on March 21, 2001, at which time he indicated that the law firm for his company, AirCover Network Solutions, Inc., should be used for all correspondences. Mr. Dougherty named as this firm Dorsey & Whitney, L.L.P. of Denver, Colorado. I called this firm (303 629-3400) to obtain the name of a contact person representing Mr. Dougherty, and was told that the firm did not represent Mr. Dougherty. I called Mr. Dougherty again on March 22, 2001 and informed him that he was not represented by Dorsey & Whitney, to which Mr. Dougherty replied "Oh well" and told me that all official correspondences should be forwarded directly to him.

Mr. Hohnstein was telephoned by me on December 28, 2000 (303 947-7005). During the telephone conversation, he indicated that he would sign both the Declaration and Assignment. He also indicated that he was working with Mr. Dougherty. No papers were received. Mr. Hohnstein was again telephoned by me on January 18, 2001. He agreed to sign and mail the papers but none were received. Mr. Hohnstein was again telephoned by me on February 8, 2001. Once again he agreed to sign the papers and, once again, no papers were received. Mr. Hohnstein was finally called by me on March 21, 2001, and a message was left on his answering machine. On this message, I indicated that I would file without his signature if he did not respond. The call was not returned by the time this declaration was filed.

I believe that I have diligently attempted to obtain signed Declarations from Mr. Dougherty and Mr. Hohnstein.

Respectfully submitted,

Mark D. Chuey  
Reg. No. 42,415

Date: 3/23/01

**BROOKS & KUSHMAN P.C.**  
1000 Town Center, 22<sup>nd</sup> Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351



117  
122  
105

SPAC  
\$ 13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DONALD L. HOHNSTEIN et al.

Group Art Unit: 2682

Examiner: Unknown

Serial No.: 09/658,241

Filed: September 8, 2000

For: REVERSE SECTORIZATION WIRELESS COMMUNICATION

Attorney Docket No.: 1822/USW0601PUS

**PETITION FOR EXTENSION OF TIME  
UNDER 37 C.F.R. § 1.136(a)**

BOX MISSING PARTS

Commissioner for Patents

United States Patent and Trademark Office

Washington, D.C. 20231

**RECEIVED**

MAR 29 2001

OFFICE OF PETITIONS

Sir:

Applicant hereby petitions for a three (3) month extension of time to respond to the Notice to Filing Missing Parts of Nonprovisional Application dated November 16, 2000, thereby extending the time period within which to respond to April 16, 2001.

Please charge the \$890 fee and any additional fees or credit any overpayment as a result of the filing of this paper to Qwest Communications International Inc. Deposit Account No. 21-0456-- a duplicate of this Petition is enclosed for that purpose.

03/28/2001 RHARIS1 00000116 210456 09658241

Respectfully submitted,

01 FC:117 890.00 CH

**DONALD L. HOHNSTEIN et al.**

By   
Mark D. Chuey, Reg. No. 42,415  
Attorney/Agent for Applicant

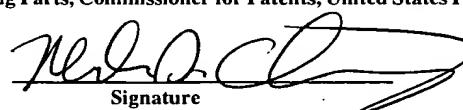
Date: March 23, 2001  
**BROOKS & KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231 on:

3/23/01  
Date of Deposit

Mark D. Chuey  
Name of Person Signing

  
Signature

**BROOKS & KUSHMAN P.C.**

Law Offices

*Intellectual Property and Technology Related Causes*

Ernie L. Brooks  
James A. Kushman  
David R. Syrowik  
Mark A. Cantor  
Ralph M. Burton  
Robert C. J. Tuttle  
Earl J. LaFontaine  
Ronald M. Nabozny

Thomas A. Lewfy  
John E. Nemazi  
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John M. Sheridan

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Robert C. Brandenburg  
A. Frank Duke  
James R. Ignatowski  
Konstantine J. Diamond  
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James N. Kallis  
Hugo A. Delevie

Ralph E. Smith  
Mark E. Stuenkel  
Michael S. Brodbine  
Seth E. Rodack  
Pete N. Kiousis  
James W. Proscia  
Ginta D. Kukainis  
Lawrence G. Almeda  
Philip Abromats

Registered  
Patent Agents  
Mark D. Chuey, Ph.D.  
Stephanie M. Mansfield, Ph.D.  
Jeremy J. Curcuri  
Robert C. Jones  
Matthew R. Mowers  
Matthew M. Jakubowski

**VIA FEDERAL EXPRESS**

December 27, 2000

Mr. Donald L. Hohnstein  
2721 19<sup>th</sup> Street  
Greeley, CO 80634

Mr. Charles I. Cook  
182 Cherrywood Lane  
Louisville, CO 80027

Mr. Thomas Schwengler  
2152 South Holland St.  
Lakewood, CO 80227

Mr. Guy M. Wells  
480 West Street  
Louisville, CO 80027

Mr. Angus O. Dougherty  
11281 Ranch Place  
Westminster, CO 80234

Mr. Patrick L. Perini  
9679 Yukon Court  
Broomfield, CO 80021

Mr. Brian L. Arend  
4429 Woodchuck Drive  
Masonville, CO 80541

**Re: U.S. Serial No. 09/658,241  
REVERSE SECTORIZATION WIRELESS COMMUNICATION  
Your Ref.: 1822  
Our File: USW 0601 PUS**

Dear Inventors:

Attached please find a copy of the above-identified patent application which was filed with the U.S. Patent and Trademark Office on September 8, 2000. Also enclosed are formal papers requiring your signature. Please sign and date the attached Declaration and Assignment documents where indicated. Kindly note that the Assignment document requires notarization. Please return these documents to us before January 10, 2001.

Please be reminded that the information contained within this application is confidential and proprietary.



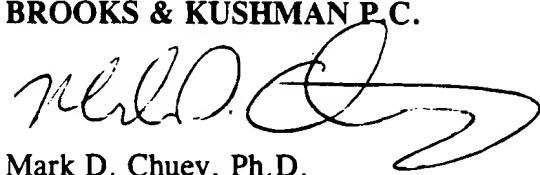
December 27, 2000

Page 2

If you have any questions or concerns regarding this application, please do not hesitate to contact me.

Very truly yours,

**BROOKS & KUSHMAN P.C.**



Mark D. Chuey, Ph.D.

MDC/ap  
Enclosures

FedEx  
Tracking  
Number

825310964802

SPG21

**From** Please print and press hard.  
**Date** 12/27/00 **Sender's FedEx Account Number** 1138-3020-4

**Sender's Name** Mark D. Chuey **Phone (248) 358-4400**

**Company** BROOKS & KUSHMAN

**Address** 1000 TOWN CTR FL 22

Dept/Room/Suite/Room

**City** SOUTHFIELD **State** MI **ZIP** 48075

**Your Internal Billing Reference**  
First 24 characters will appear on invoice.  
USW 0601 PUS

**To**  
**Recipient's Name** Donald L. Hohnstein **Phone ( )**

**Company**

**Address** 2721 19th Street

We cannot deliver to P.O. boxes or P.O. ZIP codes.

**City** Greeley **State** CO **ZIP** 80634

Dept/Room/Suite/Room

**Peel and Stick FedEx USA Airbill**

See back for application instructions.

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0161786063

#### 4a Express Package Service

FedEx Priority Overnight  
Next business morning

FedEx Standard Overnight  
Next business afternoon

FedEx First Overnight  
Earlier next business morning  
Delivery comment may be later in some areas.

FedEx 2Day\*  
Second business day

FedEx Express Saver\*  
Third business day

\* FedEx Envelope/Letter Rate not available  
Minimum charge: One-pound rate

\* Call for Confirmation:

Packages over 150 lbs.

Delivery comment may be later in some areas.

FedEx 1Day Freight\*  
Next business day

FedEx 2Day Freight  
Second business day

FedEx 3Day Freight  
Third business day

#### 5 Packaging

FedEx Envelope/Letter\*

FedEx Pak\*

Other Pkg.  
Includes FedEx Box, FedEx Tube, and customer pkg.

#### 6 Special Handling

SATURDAY Delivery  
RESTRICTIONS Available only for FedEx Priority Overnight and FedEx 2Day to select ZIP codes

SUNDAY Delivery  
RESTRICTIONS Available only for FedEx Priority Overnight to select ZIP codes

HOLD Weekday  
at FedEx Location

HOLD Saturday  
at FedEx Location

RESTRICTIONS Not available with FedEx First Overnight

RESTRICTIONS Available only for FedEx Priority Overnight and FedEx 2Day to select locations

Does this shipment contain dangerous goods?

No One box must be checked.  
 Yes As per attached Shipper's Declaration  
Shipper's Declaration not required

Dangerous Goods cannot be shipped in FedEx packaging.

Dry Ice  
Dry Ice, 9. UN 1845 x \_\_\_\_\_ kg

Cargo Aircraft Only

**7 Payment Bill to:** Enter FedEx Acct. No. or Credit Card No. below.  
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Total Packages	Total Weight	Total Declared Value*
1	_____	\$ .00

\* Our liability is limited to \$100 unless you declare a higher value. See back for details.

#### 8 Release Signature

Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

402

Rev. Data 7/00 Part #15512G ©1994-2000 FedEx PRINTED IN U.S.A. GBFE 11/00

EXHIBIT B

**fedEx** USA Airbill FedEx  
Tracking Number

821870302834

Form  
Ld. No.

0215

<sup>TM</sup> Please print and press hard.Sender's FedEx  
Account Number

1138-3020-4

Date 12/27/00 Sender's Name Mark D. Chuey

Phone (248) 358-4400

Company BROOKS &amp; KUSHMAN

Address 1000 TOWN CTR FL 22

Dept/Floor/Suite/Room

City SOUTHFIELD State MI ZIP 48075

Your Internal Billing Reference  
First 24 characters will appear on invoice.

USW 0601 PUS

Recipient's Name Angus O. Dougherty

Phone ( )

Company

Address 11281 Ranch Place

To "HOLD" at FedEx location, print FedEx address.We cannot deliver to P.O. boxes or P.O. ZIP codes.

City Westminster State CO ZIP 80234

Dept/Floor/Suite/Room

**Peel and Stick FedEx USA Airbill**

See back for application instructions.

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Next business morning FedEx Standard Overnight  
Next business afternoon FedEx First Overnight  
Earliest next business morning delivery to select locations FedEx 2Day\*  
Second business day FedEx Express Saver\*  
Third business day\* FedEx Envelope/Letter Rate not available  
Minimum charge: One-pound rate**4b Express Freight Service**\* Call for Confirmation:Delivery commitment may be later in some areas. FedEx 1Day Freight\*  
Next business day FedEx 2Day Freight  
Second business day FedEx 3Day Freight  
Third business day**5 Packaging** FedEx Envelope/Letter\* FedEx Pak\*\* Declared value limit \$500  
Includes FedEx Box, FedEx Tube, and customer pkg.**6 Special Handling** SATURDAY Delivery Available for FedEx Priority  
Overnight and FedEx 2Day  
Overnight to select ZIP codes SUNDAY Delivery Available for FedEx Priority  
Overnight to select ZIP codes HOLD Weekday At FedEx Location  
Not available with  
FedEx First Overnight HOLD Saturday At FedEx Location  
Available for FedEx Priority  
Overnight and FedEx 2Day  
to select locations

Does this shipment contain dangerous goods?

One box must be checked. X No Yes As per attached  
Shipper's Declaration Yes  
Shipper's Declaration  
not required Dry Ice  
Dry Ic. 3, UN 1845 \_\_\_\_\_ kg Cargo Aircraft OnlyDangerous Goods cannot be shipped in FedEx packaging.**7 Payment Bill to**

Enter FedEx Acct. No. or Credit Card No. below.

 X SenderAcct. No. in Section  
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Credit Card No.

Exp. Date

Total Packages Total Weight Total Declared Value

1

\$ .00

\*Our liability is limited to \$100 unless you declare a higher value. See back for details.**8 Release Signature**

Sign to authorize delivery without obtaining signature.

402

By signing you authorize us to deliver this shipment without obtaining a signature  
and agree to indemnify and hold us harmless from any resulting claims.Rev. Date 3/00 Part #156912 ©1994-2000 FedEx • PRINTED IN U.S.A. GBFE 500

EXHIBIT C